

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2009 APR -2 PM 3:06

BY lw CLERK
DEPUTY CLERK

JAMES T. BURKE

(Enter above the full name of the Plaintiff or
Plaintiffs in this action)

vs.

Civil Action No. 1:09 -CV- 77

STATE OF VERMONT
DENNIS DUFFY - OFFICER

(Enter above the full name of the Defendant or
Defendants in this action)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes () No ☒ WRIT ONLY

B. If your answer to A is Yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs:

JAMES T. BURKE

Defendants:

STATE OF VERMONT, D.O.C.

3. Docket Number: 1:08-CV-157
4. Name of Judge to whom case was assigned: Niedet Meier
5. Disposition (For Example: Was the case dismissed? Was it appealed? Is it still pending?): Pending
6. Approximate date of filing lawsuit: 11-1-08
7. Approximate date of disposition: UNKNOWN

II. CONFINEMENT

A. Present Place of Confinement: N.S.C.F. Newport, VT.

B. Is there a prisoner grievance procedure in this institution?

Yes (X) No () N/A

C. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes () No (X) N/A

D. If your answer is Yes:

1. What steps did you take? _____

2. What was the result? _____

E. If your answer is No, explain why not: FACTS, DO NOT RELATE TO THIS ISSUE, FOR A D.O.C. REVIEW.

III. PARTIES

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of Plaintiff: JAMES T. BURKE

Address: N.S.C.F. 2559 Glen Rd.

NEWPORT, VT. 05855

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(Item B below) place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, position, and places of employment of any additional defendants).

B. Defendant: STATE OF VERMONT is employed as

at

C. Additional Defendants: DENNIS DUFFY is employed as A
POLICE OFFICER FOR THE BURLINGTON, VT. DEPT.
at 1 NORTH AVENUE, BURLINGTON, VT. 05401

IV. STATEMENT OF CLAIM

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

#1. FACTS: PURSUANT TO CHITTENDEN DISTRICT COURT DOCKET NUMBERS 6303-11-03 CNCR, 6403-11-03 CNCR, THE STATES ALLEGED VICTIM (AUDIS BOYER) REPORTED TO OFFICER DEF. DUFFY THAT PLAINTIFF BURKE HAD ALLEGEDLY USED HIS VISA CREDIT CARD TO TYPE IN THE NUMBERS OF THAT CREDIT CARD ON HIS BED ROOM COMPUTER

V. RELIEF

SEE ATTACHED →

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

COMPEL A STIPULATION THAT DEF. DUFFY FABRICATED EVIDENCE AGAINST PLAINTIFF AND ALSO FAILED TO DISCLOSE EVIDENCE IN PLAINTIFFS FAVOR IN VIOLATION OF BRADY. SET ASIDE THE CONVICTION DEF. DUFFY HELPED THE STATE TO UNLAWFULLY OBTAIN, ANY OTHER RELIEF THAT IS IN ORDER OR FIT.

VI.

SIGNATURE (original signature must be on filed complaint)

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Signed this 25th day of MARCH, 2007.

James T. Burke
N.S.C.F. 2559 Glen Rd.
Newport, VT. 05855
(Signature of Plaintiff or Plaintiffs)

I/We declare under penalty of perjury that the foregoing is true and correct.

Executed on: MARCH 25th, 2007.

Signed:

James T. Burke
N.S.C.F. 2559 Glen Rd.
Newport, VT. 05855